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ABSTRACT

This booklet presents licensing standards for day and night care centers as updated by the Illinois Department of Children and Family Services with the aid of a federal grant from the Office of Child Development to the State of Illinois. These standards provide broader coverage in existing areas as well as expanded coverage for school age children, transportation, infant care, special children and nutrition. The standards and compliance requirements in this document are designed to be brief, concise, understandable and enforceable, with as little subjective interpretation as possible on the part of all who read and use them. The standards also reflect administrative experience with the revised 1971 licensing standards. Standards are grouped under the following broad headings: philosophy; licensure, organization and administration; personnel; services to children; plant and equipment; and records and reports. The Child Care Act of 1969 is included in this document. (MS)

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Licensing Standards

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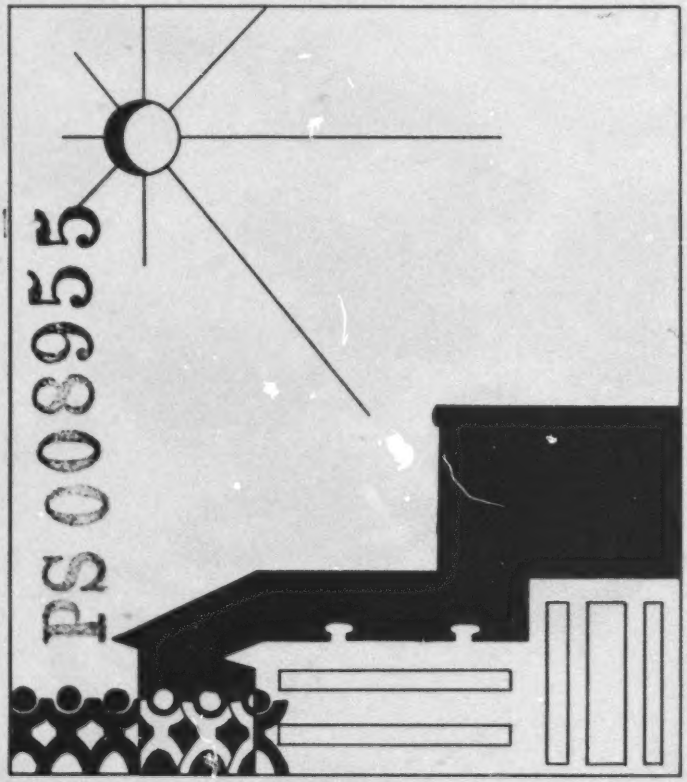

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Day and Night Care Centers

OFFICE OF CHILD DEVELOPMENT
Illinois Department of Children and Family Services

ED131935

LICENSING STANDARDS

for

Day and Night Care Centers

NOTE: DELETE ALL REFERENCES TO INDEMNIFICATION AGREEMENTS INCLUDING DEFINITION ON P. 5 AND REFERENCES IN STANDARD 71-P.41 AND STANDARD 100, SEC. 63-P.50

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Regulation 5.13

OFFICE OF CHILD DEVELOPMENT

Illinois Department of Children and Family Services

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CHILD CARE ACT OF 1969/53

INTRODUCTION

Through the Department of Health, Education and Welfare, the Office of Child Development made available to the State of Illinois a federal grant for the purpose of reviewing and rewriting the standards for day care and night care facilities. The Department of Children and Family Services took advantage of this opportunity to update the standards, providing broader coverage in existing areas as well as new, expanded coverage for school age children, transportation, infant care, special children, and nutrition. We are grateful to the Department of Health, Education and Welfare for the grant and timely opportunity presented to Illinois.

The Regulation Compliance Requirement format used in "Guides for Day Care Licensing" formulated by the Department of Health, Education and Welfare Task Force was adopted for use in this revision of the licensing standards.

The standards in this document are designed to be brief, concise, understandable, and enforceable, with as little subjective interpretation as possible on the part of all who read and use them. The standards also reflect administrative experience with the revised 1971 licensing standards.

BASIS FOR AND APPLICATION OF THE STANDARDS

THE CHILD CARE ACT: AUTHORITY

The Child Care Act, approved May 15, 1969, as amended, is the legal authority under which the Department of Children and Family Services prescribes standards for and licenses day care and night care centers as defined under the Act.

DEFINITIONS

Section 2.01. "Child" means any person under 18 years of age.

Section 2.02. "Department" means the Illinois Department of Children and Family Services.

Section 2.03. "Guardian" means the guardian of the person of a minor.

Section 2.04. "Related" means any of the following relationships by blood, marriage, or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle or aunt, or cousin of the first degree.

Section 2.05. "Facility for child care" or "child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in this act, established and maintained for the care of children.

Section 2.10. "Child care [illegible]s" means day care centers which receive preschool or school-age children, or both, for short term or extended hours of care, or out of school hours, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the children served.

Section 2.11. "Day nurseries" means day care centers which receive pre-school age children for short-term or extended hours of care, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the individual children served.

Section 2.12. "Nursery schools" means day care centers which receive children between the ages of 2 and 6 years and which are established and professionally operated primarily for educational purposes to meet the developmental needs of the children served.

Section 2.13. "Kindergartens" means day care centers which receive children between the ages of 4 and 6 years, and which are established and professionally operated to conduct educational programs for early childhood development.

Section 2.14. "Play groups" means day care centers which receive pre-school or school-age children, or both, for relatively short periods of time, not to ex-

ceed 3 hours per day for any child or group of children, and which provide services and programs designed to meet the recreational, physical, emotional and developmental needs of the individual children served.

Section 2.15. "Centers or workshops for mentally or physically handicapped" means day care centers receiving mentally retarded or physically handicapped children, for short periods or extended hours, and which provide services and programs to meet the children's needs for care, protection and training.

Section 2.18. "Day care homes" means family homes which receive not more than 8 children for care during the day. The maximum of 8 children includes the family's natural or adopted children under age 16 and those children who are in the home under full-time care, as defined in Section 2.17 of this Act.

Section 2.19. "Night care facilities" means centers or family homes in which children are received for periodic care during the night when a single parent, or both parents, are absent from home because of employment, emergency or other reasonable circumstance, and the children are in need of supervision during sleeping hours. A facility may be licensed for either day care or night-time care, or both, if circumstances permit, and whether the same children are served according to the work shifts of their parents or other circumstances. "Night care facilities" are further defined as follows:

(a) "Night-time center" means a facility which is established to receive 9 or more children, but not to exceed 20 children, for night-time care.

(b) "Night-time home" means a family home which receives no more than 8 children, including the family's own children under age 16, for night-time care.

* * *

ATTENDANCE: total number of children present at any one time.

AUTHORIZED REPRESENTATIVES OF THE DEPARTMENT: the licensing representative or any person acting on the representative's behalf.

CAPACITY: the maximum number of children allowed to be present at any one time.

CHILD CARE PHILOSOPHY: a statement of beliefs about children: how they grow, how they learn, and how they should be taught.

CHILD DEVELOPMENT STAFF: all staff members providing *direct* care and services to the children in the facility.

CONSULTANTS: persons providing technical assistance or advice regarding any aspect of the total operation of the program.

CURRENTLY EMPLOYED. are employed under the Revised 1971 D.C.C. & N.T.C. Standards.

DISCIPLINE: the ongoing process of helping children to develop inner controls so that they can manage their own behavior in socially approved ways.

EMPLOYEE: a paid member of the staff.

ENROLLMENT: the total number of children served by the facility on either a part-time or full-time basis.

GROUP: a specified number of children who remain together at least 60% of the time they are at the facility. Each group shall be provided with sufficient equipment, staff, and space to insure minimum requirements. If space allows and other conditions are met, there may be more than one group in a room. The maximum number of children in a group shall conform to staffing and grouping tables in Services to Children.

INDEMNIFICATION AGREEMENT: an agreement between the facility and parent(s) or guardian of a child enrolled whereby the parent or guardian agrees to indemnify the facility against loss or damage arising from the claim or demand of such child: that is, to make good to the facility such monetary damages as the facility may suffer.

INFANTS: children from 6 weeks to 15 months.

LICENSE: legal sanction to operate for a period of two years when minimum standards have been reasonably met.

LICENSED CAPACITY: the maximum number of children permitted in the facility at any one time.

MINIMUM STANDARDS: legal requirements promulgated by the Department for the protection and care of children in child care facilities.

NEWLY EMPLOYED: persons employed subsequent to the promulgation of these standards.

PARENTS: person(s) assuming legal responsibility for the care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

PERMIT: legal sanction to begin operation for a period not to exceed 6 months when specified minimum standards have been met.

PERSON: any individual, group of persons, agency, association or organization.

PHYSICIAN: a person licensed to practice medicine in the State of Illinois.

PROGRAM: all activities provided for the children during their hours of attendance in the facility.

REINSTATEMENT: process by which a license or permit is issued to a person if a license or permit or application for same has been revoked or denied by the Department or if a license or permit or application is voluntarily surrendered or withdrawn by a person.

RELATED SERVICES: refers to, but not inclusive of, supportive service (psychological, medical, social, or health) for children in a facility.

RESOURCES: may include related services mentioned above and community agencies such as, but not limited to, libraries, university laboratories and their professional staffs, audio-visual materials, museums, parks.

SERVICE STAFF: any staff member providing indirect care and service to the children in the facility such as driver, cook, janitor, clerical staff.

STAFF: all individuals who are in contact with children in a day care facility.

RESPONSIBILITY OF THE DIRECTOR OF THE DEPARTMENT

The Director of the Department is responsible for seeing that the standards for a license, as prescribed herein, are met and maintained by all licensed centers operating in the State of Illinois which are subject to the provisions of the Child Care Act.

PUBLISHED STANDARDS AND OFFICIAL REGULATIONS

Licensing standards or any amendments thereto are official regulations filed with the Secretary of State.

EFFECTIVE DATE OF STANDARDS FOR EXISTING FACILITIES AND FOR NEW FACILITIES

The standards prescribed herein shall become effective upon the day they are officially adopted and published by the Department.

Persons who have applied for a license and centers in operation at the time these standards are adopted as department regulations shall have two calendar years from that date to achieve compliance with revised or new standards.

Minimum standards required for licensing shall be applicable, in all respects, to any center established after the standards have been officially adopted and published by the department.

FORMAT OF THE STANDARDS

The format of the standards provides for two types of reference: (1) Standards are in bold type; (2) Compliance Requirements are identified in regular type following the standard.

PHILOSOPHY

LICENSURE, ORGANIZATION, ADMINISTRATION

The operation of a facility, regardless of its size, is complex. Its satisfactory operation depends upon good organization, administration, program plan and staff. In order to provide the needed services to children and to fulfill the responsibility which a center assumes, there should be sufficient formal organization or structure, and appointment of staff competent to administer all phases of the child care program.

The quality and effectiveness of the services depend on the caliber, conviction, and understanding of the person(s) administering the program, quality of staff, dedication of the board of directors or other sponsors, adequacy of financing, availability and use of related services and other resources, and good coordination of all elements of the program.

PERSONNEL

It is the intent of the Department of Children and Family Services to allow for the best qualified staff that is available to work with children in facilities licensed by the Department of Children and Family Services. It is recognized that to a large degree the quality of a day care program relates directly to the quality of the individuals who work either directly or indirectly with the children. Staff members shall be persons who can give the children an abundance of affection and who can provide this with understanding, imagination, and a sense of humor in helping to meet their developmental and emotional needs. This requires a staff of emotionally mature and secure people of moral integrity who enjoy working with children; who have considerable skill in planning, directing, and conducting programs that meet the children's essential and basic needs; and who can help them develop wholesomely and happily through their experiences at the facility.

SERVICES TO CHILDREN

The individual care and treatment of children, which should be the primary concern of the center, must have precedence over any other consideration. This primary concern requires that the program be child-centered and the services child-focused. It also requires that the program and facility offer a wide variety of experiences—some more individualized than others—all of which are related, in some way, to the child's day-by-day experiences as a member of a group. Since a child participates from a group base, rather than from a family base, the center must be constant in its efforts to provide the facilities and experiences that enhance the advantages of group situations and minimize any ill effects that separation from his own family create for the child.

A good, creative, and constructive program must be based on knowledge of what a young, growing, and developing child is like and how he is likely to behave at a certain age and stage of development. Such knowledge needs to be supported by the ability to identify a child's needs through clues gathered from both his verbal and non-verbal behavior. While the program needs to be based on the general age-level characteristics of children, the specific planning of activities and experiences offered must be flexible and modified for individual differences in their development, interests and needs.

Program variety is necessary to promote the physical and emotional well-being of the children served; to encourage the acquisition of information and knowledge; and to foster the development of language, skills, concepts, and problem-solving abilities.

NUTRITION

Goals

1. To provide healthful food in sufficient quantity and quality to meet the needs of a child for adequate growth, strength, and emotional satisfaction while in the facility.
2. To provide palatable, attractive, appetizing meals and snacks, served under pleasant conditions, with enough time allowed so that they may be enjoyed.
3. To promote nutrition education of young children, encouraging good eating habits and desirable attitudes toward food that will stay with them throughout their lives.

SCHOOL-AGE CHILDREN

The standards contained herein shall apply to those facilities that provide school age programs as a supplement to their pre-school program.

Comprehensive standards for facilities that are designed primarily to serve school-age children are presently being drafted and when finalized will be adopted and promulgated by the Department of Children and Family Services.

The regulations stated in other sections of this publication shall apply to school-age children unless indicated otherwise by substitutions and/or additions in this section.

SERVICES TO CHILDREN WITH SPECIAL NEEDS

Growth rates and developmental patterns are much alike from child to child. Children whose growth rates and patterns differ significantly from those of their peers, or whose environments have not been conducive to growth, are in need of special services in order to encourage maximum development.

The basic premise of special services, however, is that children with handicaps, while requiring special attention, are also in need of the same kinds of growth-facilitating experiences that are crucial for all children.

These children, because their primary characteristic is that of being children, and only secondarily that of being handicapped, should function with other children and groups of children to their fullest possible capacity.

The foregoing statements form the premises upon which the following provisions are set forth.

Children ages three and up who are suspected of having a special need as defined below should be referred to their local school district for educational assistance.

Provisions in this division apply to those facilities providing services to children who exhibit one or more of the following characteristics:

A. Visual impairment: the child's visual impairment is such that he cannot develop to his potential without special services.

B. Hearing impairment: the child's residual hearing is not sufficient to enable him to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication. Or he exhibits a hearing loss which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

C. Physical or health impairment: the child exhibits a physical or health impairment, which requires adaptation of the physical plant.

D. Speech and/or language impairment: the child exhibits deviations of speech and/or language processes which are outside the range of acceptable variation within a given environment and which prevent full social development.

E. Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.

F. Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior which significantly interferes with his learning and/or social functioning.

G. Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild/moderate, severe or profound.

PLANT AND EQUIPMENT

It is possible to carry on activities more effectively and with greater ease, and to require fewer controls for safe operation, when the premises are appropriately planned, arranged, and equipped to provide a child centered program. When rooms and outdoor areas are organized efficiently to provide sufficient space,

orderliness, convenience and comfort, both children and staff are more likely to work effectively and creatively. Experience has shown that when too many groups of children are in one open space, no matter how large, the noise level and motion create overstimulation for both children and adults.

The planning, operation, and maintenance of a facility housing a day care center and/or night care center encompass all the environmental aspects of any community. Child care facilities are subject to applicable local ordinances and shall comply with and be maintained in accordance with State laws, rules, regulations, standards, and codes where more stringent local standards do not exist. These are enforceable by the appropriate agency and not the Illinois Department of Children and Family Services.

RECORDS AND REPORTS

Recorded data identifying a child and indicating who is responsible for him provide the facility and the child with legal and other protections which are necessary in emergency situations. Records of persons who work at the facility guarantee further protection for children and their parents. Reports to the Department provide information that assure the continued meeting of standards. Reports on emergency situations make it possible for the Department to help avert further major crises when quickly and properly notified. This protects both the facility and the children.

LICENSURE, ORGANIZATION, ADMINISTRATION

Application

1. **Application For The License Shall Be Filed With The Department.**

   Compliance Requirements:

   A. Application shall be made on forms provided by the Department.

   B. The application shall be signed by the person as defined in Regulation #13.

   C. The applicant shall provide character references for the purpose of determining the suitability for being responsible for the care and welfare of the children to be served.

   D. The license shall be issued when applicable standards have been met.

   E. No facility shall apply to expand its services nor seek increases in its licensed capacity if not in compliance with standards.

   F. A night care facility using the same facilities as a licensed day care facility shall apply for a license for night care.

   G. If a facility has made application for license to conduct a child care facility and is proceeding, in good faith, to meet standards for license or permit, it is within the intent of the law for the applicant to publish announcements and advertisements about the services it *proposes* to offer.

2. **After A License Has Been Issued, The Facility Shall Operate Within The Conditions Of Issuance.**

   Compliance Requirements:

   A. The license shall be valid for two years.

   B. The license shall be on display in the facility.

   C. No license is transferable.

   D. The number of children specified on the license shall be the maximum allowed in the center at any one time.

   E. The facility shall operate within the conditions that are specified on the license document.

Changes

3. **A New Application Shall Be Filed When There Is A Change In The Information On A Valid License.**

   A. Re-application is the process by which a license is obtained when there is a change of the specifications on the existing license.

B. Re-application shall be made when it affects any one of the following items which are information on the licensing documents:

1) Name of facility
2) Address
3) Responsible persons
4) Ages of children served
5) Area of care
6) Type of care
7) Capacity

Permit

4. **New Centers May Be Issued One Six-Month Permit To Operate Under The Following Conditions:**

Compliance Requirements:

A. A permit is a legal sanction to operate for a period not to exceed six months. A permit shall not be issued if the deviations from the standards threaten the health and safety of the children.

B. There shall be a written statement of purpose and written policies regarding the operations of the facility.

C. References and medical reports for all staff shall be on file.

D. Required records shall be set up and forms ready to establish necessary records for children and staff.

E. There shall be an acceptable plan for emergency medical care.

F. There shall be an acceptable plan for food preparation and service.

G. There shall be a staff plan, designating responsibilities for program planning, supervision of children, food service, cleaning and maintenance, and finances.

H. Clearance letters for fire and sanitation shall be on file, where applicable.

i. Character and financial references shall be on file with the Department.

J. Furnishings and equipment shall be on hand for the specified number of children.

K. The facility shall be examined by the Department and planning for its use both inside and outside complete.

L. A plan shall be on file with the Department that indicates standards for licensure can be met within the six month permit period.

5. **After A Permit Has Been Issued, The Facility Shall Operate Within The Condition Of Issuance.**

Compliance Requirements:

A. The permit shall be for a probationary period of six months and shall not be renewable.

B. The permit shall be on display in the facility.

C. The facility shall not begin operations until a permit has been recommended.

D. No permit is transferable.

E. The number of children specified on the permit shall be the maximum allowed at one time in the facility.

F. The facility shall operate within the conditions that are specified on the permit document.

Renewal

6. **Application For Renewal Of A License Shall Be Made To The Department On Forms Provided By The Department.**

Reinstatement

7. **When Reinstatement Is Sought, A New Application Shall Be Filed.**

Compliance Requirements:

A. Reinstatement is the process by which a license or permit is issued to a person if a license or permit or application for same has been revoked or denied by the Department or if a license or permit or application is voluntarily surrendered or withdrawn by a person.

B. No person whose license has been revoked or denied by the Department shall seek reinstatement within six (6) months.

C. Reinstatement may be sought at any time if a license or permit has been voluntarily surrendered by the applicant.

Revocation

8. **The Department May Revoke Or Refuse To Renew The License Of Any Child Care Facility Or Refuse To Issue Full License To The Holder Of A Permit Should The Licensee Or Holder Of A Permit:**

A. Consistently fail to maintain standards prescribed and published by the Department;

B. Substantially violate any of the provisions of the license issued;

C. Furnish or make any misleading or any false statement or report to the Department;

D. Refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;

E. Fail or refuse to submit to an investigation by the Department;

F. Fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;

G. Fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;

H. Refuse to display its license or permit;

I. Fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education, and other essentials in the proper care, rearing and training or children; or

J. Fail to comply with the provisions of the Abused and Neglected Child Reporting Act.

Consequences

9. **When The Department Does Not Renew Or Revokes A License The Facility Shall Close Within Ten Calendar Days.**

10. **Persons Operating A Facility In Violation Of These Standards Are Subject To Fine And Imprisonment As Stated In The Child Care Act If They:**

A. Conduct, operate, or act as a child care facility without a license or permit to do so in violation of Section 3 of this Act;

B. Make materially false statements in order to obtain a license or permit;

C. Fail to keep the records and make the reports provided under this Act;

D. Advertise any service not authorized by license or permit held;

E. Publish any advertisement in violation of this Act;

F. Receive within this State any child in violation of Section 16 of this Act; or

G. Violate any other provision of this Act or any reasonable rule or regulation adopted and published by the Department for the enforcement of the provisions of this Act.

Remediation

11. Any Person Whose License Has Been Revoked Or Refused To Renew May Appeal As Described In The Child Care Act, Section 9.

Insurance

12. Public Liability Insurance Shall Be Carried By The Facility.

Compliance Requirements:

A. Insurance shall be in the single limit minimum amount of $100,000 per accident.

B. The insurance shall be in force for the duration of the license or permit period.

C. Centers shall provide proof of such insurance prior to the issuance of a license or permit.

D. A record of such insurance shall be on file at the facility or otherwise readily accessible to the Department.

Organization

13. There Shall Be A Person Legally Responsible To The Department For Compliance With Requirements Set Forth In The Standards.

Compliance Requirements:

A. A PERSON is any individual, group of persons, agency, association, or organization legally responsible for the operation of the facility.

B. The person shall comply with all the standards.

C. The person shall file with the Department, if applicable:

1) Names, addresses, and telephone number of current board members, identifying its officers;

2) An organizational chart of board committees and staffing patterns;

3) Written policies outlining the delegation of responsibilities and clear lines of communication between board members, facility staff, and parents.

D. The person may delegate responsibility for compliance with the standards. This shall be made known to the Department.

Admission, Enrollment, Discharge

14. There Shall Be Current Written Statements, Publicly Available, Covering The Sponsorship, Purposes, And Goals Of The Service, A Description Of The Program And Operating Policies, Procedures and Forms.

Compliance Requirements:

A. The following information shall be available in writing, understood by each care-giver, and given to and discussed with the parent(s) at the time of the child's enrollment.

1) Statement of services, purposes and goals, and child care philosophy.

2) Description of the daily program.

3) Fees and plan for payment.

4) Policies regarding delinquency of fees.

5) Types of insurance coverage for children, if applicable.

6) Admission, enrollment, and discharge policies and procedures.

7) a) Hours of operation.

b) Individual arrangements for hours or days of attendance of children, if applicable.

c) Holiday and vacation schedules.

8) Arrangements for arrival and departure of children (time, location, transportation).

9) Provision for emergency medical care, treatment of illness and accident, which includes:

a) Written consent of parent or guardian for emergency care in the event that the child's parent, own physician, or certified practitioner cannot be reached.

b) A plan to obtain prompt services of physician and hospitalization, if needed.

c) A plan for immediately notifying the parent or guardian of any illness, accident or injury to the child.

d) A plan to acquire the services of a certified practitioner for a child exempt from medical care on constitutional grounds.

10) Any formal religious instruction.

11) Visits, trips, or excursions off the premises.

12) Use of photographs for publicity purposes.

13) Procedures concerning personal belongings brought to the center.

14) Policy regarding release of personal information on the child.

15) Planned means of communication between the center and the parent(s).

16) Involvement of the children or the center in research.

Administration

15. The Board, Sponsor, Or Others Officially Designated Shall Be Responsible For Maintaining The Standards.

Compliance Requirement:

The staff and board shall have a working knowledge of the standards for their particular areas of operation or areas which affect their particular functions and responsibilities.

16. The Board Or Others Officially Designated To Represent The Facility Shall Immediately Notify The Department Of Any Major Changes.

Compliance Requirement:

The Department shall be notified within at least 48 hours of any major changes as listed under Changes.

17. Authorized Representatives Of The Department Shall Be Admitted To The Facility At Any Reasonable Time For The Purpose Of Investigation.

18. Working Conditions Shall Be Supported By Personnel Policies And Practices Which Encourage And Stimulate Good Job Performance, Provide Personally Rewarding And Satisfying Experiences, And Make The Job Tenable.

Compliance Requirements:

A. Work assignments shall be such that it is possible for an employee to fulfill the responsibilities of the job.

B. Centers having four or more employees shall have written personnel policies available to staff at all times. These may include, but are not limited to, job description, salary, wages, pay dates, fringe benefits, social security, workman's compensation, unemployment insurance, holidays, sick time, vacations, probationary periods, grievance procedures, promotions, termination of employment, and performance evaluation.

PERSONNEL

19. The Child Development Staff Shall Have The Skill And Competence Necessary To Contribute To Each Child's Physical, Intellectual, Personal, Emotional, And Social Development.

Compliance Requirements:

A. Child Development staff shall demonstrate the skills to help children meet their developmental and emotional needs.

B. Child Development staff shall demonstrate emotional maturity when working with children.

C. Child Development staff shall demonstrate skill in planning, directing, and conducting programs that meet the children's basic needs.

D. Child Development staff shall demonstrate a willingness to cooperate with the aims of the facility.

E. Child Development staff shall demonstrate respect for children and adults.

F. Child Development staff shall demonstrate flexibility and patience.

G. Each Child Development staff person shall be in good physical and mental health.

H. Each Child Development staff member shall be willing to participate in activities leading to professional growth in Early Childhood Development.

I. Good personal hygiene shall be practiced by all persons in the center.

20. A Qualified Individual Shall Be Designated As Director Of The Facility.

Compliance Requirements:

A. The Child Development Director shall be at least 21 years of age.

B. The newly employed Child Development Director shall have achieved in addition to the above regulation:

1) Either a minimum of 64 semester hours or equivalent quarter hours of college credits from an accredited college or university or an Associate of Arts Degree, with 18 hours in child related courses and six of those hours in Early Childhood Development;

2) *Or* a high school diploma or equivalency certificate, two years of full-time child development experience in a licensed child care facility and 32 semester hours or equivalent quarter hours from an accredited college or university with ten of those hours in child related courses and six hours in Early Childhood Development.

C. Currently employed Child Development Directors who have been employed in that capacity for less than 5 years shall achieve within two years:

1) A high school diploma or equivalency certificate;

2) Three years of full-time Child Development experience; and

3) Six hours in Early Childhood Development.

D. Currently employed Child Development Directors who have been employed in that capacity for five years or more are qualified.

21. Child Development Directors Shall Have Responsibilities Assigned.

Compliance Requirements:

A. The Child Development Director shall be responsible for the planning and supervision of the program and activities of the children.

B. The Child Development Director shall be responsible for supplying continuous staff development, in-service training, and supervision to all staff.

C. The Child Development Director or at least one designated employee with equivalent administrative responsibilities and who is qualified to be in charge of a group shall be at the facility at all times.

22. Child Development Associates Shall Be Qualified.

Compliance requirements:

A. Child Development Associates shall be at least 18 years of age.

B. The newly employed Child Development Associates shall have achieved in addition to Regulation 19:

1) Either a minimum of 64 semester hours or equivalent quarter hours of college credits from an accredited college or university or an Associate of Arts Degree, with six hours in Early Childhood Development;

2) *Or* one year of full-time child development experience with 32 semester hours or equivalent quarter hours of college credits from an accredited college or university with six of those hours in Early Childhood Development;

3) *Or* two years of full-time child development experience with six semester hours or equivalent quarter hours from an accredited college or university in Early Childhood Development and a plan to acquire 10 additional hours in a period not to exceed two years.

C. Persons who have completed competency based credentialing programs recognized and approved by the State and/or Federal Office of Child Development offices shall be recognized as qualified Child Development Associates.

D. Currently employed Child Development Associates shall achieve six hours in Early Childhood Development within two years.

23. Child Development Associates Shall Have Responsibilities Assigned.

Compliance Requirements:

A. Child Development Associates shall provide direct services to the children in the facility.

B. Child Development Associates shall be responsible for the planning and supervision of a group of children.

24. Child Development Assistants Shall Be Qualified.

Compliance Requirements:

A. Child Development Assistants shall be at least 18 years of age.

B. Child Development Assistants shall have achieved in addition to Regulation 19:

1) A minimum of 180 clock hours of direct child development practicum experience in a recognized secondary vocational child care program, and a plan to acquire 10 additional semester hours or equivalent quarter hours from an accredited college or university, including six hours in Early Childhood Development within two years;

2) *Or* one year of full-time Child Development experience plus six semester hours or equivalent quarter hours from an accredited college or university in Early Childhood Development within two years.

25. Child Development Assistants Shall Have Responsibilities Assigned.

Compliance Requirements:

A. Assistants shall work with a group of children without assuming full planning responsibility for the group.

B. Assistants may be assigned responsibilities for supervision of children for short periods of time.

26. Child Development Aides Shall Be Qualified.

Compliance Requirements:

A. Child Development Aides shall be at least 18 years of age and be in compliance with Regulation 19.

B. Child Development Aides shall demonstrate basic reading, writing, and communication skills at a level consistent with entry in college training programs.

C. Newly employed Child Development Aides shall achieve six semester hours or equivalent quarter hours from an accredited college or university in Early Childhood Development within two years.

27. Child Development Aides Shall Have Responsibilities Assigned.

Compliance Requirements:

A. Aides shall work with a group of children without assuming full responsibility for the group.

B. Aides shall work under direct supervision of the individual responsible for a group of children.

28. Student Helpers May Assist In The Care Of The Children Only Under The Direct Supervision Of A Person Qualified For A Group.

Compliance Requirements:

A. Student helpers shall comply with Regulation 19.

B. Student helpers who assist in the classroom shall be at least 16 years of age, at least five years older than the oldest child for whom they care, and shall have completed one semester in Child Care Training from a high school or institution of higher learning.

C. Employment or use of student helpers shall not be in violation of any child labor laws.

D. Students enrolled in a work study program, a field study placement, or in a practicum course, may not be used to fulfill the child-staff ratio in a program that operates 5 or more hours per day. These students *may* be Child Development Aides in programs that operate less than 5 hours per day and in these cases may be counted for purposes of maintaining child-staff ratio.

E. They shall be supervised by a person who is qualified to be in charge of a group and who has agreed to assume this responsibility.

F. A plan for student participation shall be mutually agreed upon in writing by the staff, the representative from the educational institution, and the student participant.

29. Service Staff, Such As Driver, Cook, Janitor, And Clerical, Shall Be Qualified.

Compliance Requirements:

A. They shall have the same personal qualifications as required by other staff. (Regulation 19)

B. There shall be sufficient service staff so that assignment of service duties shall not interfere with the Child Development staff's responsibilities for the direct care of the children.

C. Ages or other conditions of employment shall conform to the regulations governing appropriate professions or responsibility.

30. Substitutes Shall Have The Same Personal, Health, Administrative, And Professional Qualifications Required Of Staff For Whom They Substitute.

31. Persons Agreeing To Be Available As Substitutes Or For Use In Emergencies Shall Sign A Written Statement, Kept On File In The Facility, Certifying To Their Availability And Agreement To Serve In This Capacity. This File Shall Be Kept Current.

32. Volunteers Shall Meet The Following Requirements:

Compliance Requirements:

A. Volunteers shall have the same personal and health requirements as are required by other staff. (Regulation 19)

B. The interests and skills of the volunteer shall determine assignments within a facility.

C. Volunteers may serve in any capacity if they meet the qualifications for the position.

33. No Individual Known To Be Charged Or Convicted Of Child Abuse, Neglect, Sexual Abuse Or Who Is Awaiting Trial On Such Charges Shall Be Employed In Day Care Or Night Care Centers.

Compliance Requirements:

A. No person will be employed in any day care center or night care center who has a police record of such conviction or is awaiting trial on such charges.

B. A person who has been charged for such offenses shall take a leave of absence pending the outcome of the trial.

34. Each Member Of The Staff Shall Have A Physical Examination Prior To Employment.

Compliance Requirements:

A. Staff are defined as all individuals who are in contact with children in a day care facility.

B. Staff shall present evidence of physical examination which took place no longer than *six months prior to* employment with a tuberculin test to be included in initial exam only.

C. *Subsequent physical examination shall take place every two years.*

D. Staff shall not be employed if there is evidence of communicable disease.

E. Food handlers shall make their positions known to the examining physician and meet state regulations pertaining to food handlers.

SERVICES TO CHILDREN

Program Procedures

35. The Center Staff Shall Insure That Admission Procedures Provide Sufficient Information To Enable The Parent And The Child Development Staff To Make Decisions Or Act On Behalf Of The Child With Regard To His Or Her Life At The Facility.

Compliance Requirements:

A. Admission data obtained shall be on file and include:

1) Identifying information and sufficient social and personal information to describe the child.

2) Reports of health examinations.

3) Appropriate professional evaluations required for admission of children with special needs.

4) Signed consent forms from parent, guardian, or persons designated by the parents in writing, including:

a) Health care and treatment, including emergency first aid.

b) Emergency medical treatment if the parent is not readily available.

c) Formal religious instruction.

d) Use of photographs for publicity purposes.

e) Visits, trips, or excursions off the premises.

f) Child's involvement in research.

g) Daily release of the child.

B. The center shall admit only those children eligible under the facility's written admission policies.

C. Information obtained on a child who has been admitted shall be recorded as prescribed in *Records and Reports*.

36. Information Pertaining To The Admission, Progress, Health, Or Discharge Of An Individual Child Shall Be Confidential And Limited To Facility Staff Unless The Parent(s) Of The Child Has Granted Written Permission Or In The Case Where There Is Evidence Of Child Abuse.

Compliance Requirements:

A. The facility shall have confidentiality release forms signed by the parent(s) on file at the facility prior to release of information.

B. If information is requested by outside persons or agencies a specific written request signed by the person requesting the information shall be obtained and on file at the facility.

C. Evidence of child abuse shall be reported immediately to authorities as required by the Abused and Neglected Child Reporting Act.

37. **Children Shall Be Admitted and Discharged Under Circumstances Which Insure Protection Of Their Own And Other Children's Physical And Emotional Well-Being.**

Compliance Requirements:

A. The staff shall be alerted to the child's arrival and given the information necessary to help make the child's initial adjustment as comfortable as possible.

B. The staff shall understand and consider the child's individual background and needs.

C. Evidence of child abuse shall be reported immediately to authorities as required by the Abused and Neglected Child Reporting Act.

D. The staff directly responsible for the child shall be alerted to any personal circumstances which may require special handling.

E. Any child who, after attempts have been made to meet the child's individual needs, demonstrates inability to benefit from the type of care offered by the facility, or whose presence is detrimental to the group, shall be discharged from the facility.

F. In all instances, when a facility decides that it is in the best interest of the child to terminate enrollment, the child's and parent's needs shall be considered by planning with the parent(s) to meet the child's needs when he or she leaves the facility, including referrals to other agencies or facilities.

G. A child who does not appear to be fully recovered from an illness shall not be readmitted to the center unless there is a statement by an attending physician that the child is able to return and participate in the activities of the facility.

38. **Any Child In Attendance Who Becomes Ill Or Who Is Suspected Of Illness Shall Be Immediately Isolated From The Group And Shall Be Removed From The Facility As Soon As Possible.**

Discipline

39. **The Facility Staff Shall Use Discipline Measures Designed And Carried Out In Such A Way As To Help Individual Children Develop Self-Control And To Assume Responsibility For Their Own Acts.**

Compliance Requirements:

A. Simple, understandable rules shall be established in writing for

both children and staff. These rules shall set the limits of behavior required for the protection of the group and individuals within it.

B. Discipline shall be delegated to persons who have an ongoing relationship with a child.

C. Discipline shall be developmentally related and shall not be out of proportion to the particular inappropriate behavior, as, for example, scolding children for honest mistakes such as spills and accidents caused by lack of coordination.

D. Discipline shall be related to the child's act, handled without bias and without prolonged delay on the part of the adult involved so the child is aware of the relationship between acts and consequences.

E. Removal from the group as a means of helping a child gain control shall be for reasonable periods of time.

F. If there is an assessment of a child's pattern of unacceptable behavior, the entire staff should be aware of it and cooperate in carrying out the specific plan developed for him or her.

40. No Child Shall Be Subjected Under Any Circumstance To Corporal Punishment Inflicted In Any Manner Upon The Body Or To Verbal Abuse, Deprived Of Regularly Scheduled Meals Or Any Part Of Meals As Punishment, Or Punished For Toilet Accidents.

Program

41. The Center's Program Shall Complement The Child's Home Experiences.

Compliance Requirements:

A. The facility shall maintain records that demonstrate ongoing dialogue with parents in order to ensure harmony with the lifestyle and cultural background of the family and development and modification of program goals. The staff and parent(s) shall discuss together the child's habits, activities, and schedules while at home and in school, and concerns about his past and future behavior and development.

B. The staff of the facility shall demonstrate that the parents are encouraged to visit the facility and observe and participate in the experiences of their children.

C. The staff of the facility shall demonstrate that both caregivers' and parents' concerns about the health, development, or behavior of any child are communicated promptly.

D. Each child's cultural, ethnic, and religious background shall be respected by the staff. This respect shall be reflected through incorporation of their language, food, celebrations, activities, and lifestyles into the program, where appropriate.

42. Children In The Facility Shall Be Helped With Their Personal Care And Cleanliness.

Compliance Requirements:

A. Wet or soiled clothing shall be changed immediately.

B. The hands shall be washed before and after meals.

C. Children's hands shall be washed after toileting.

D. Children shall have shower, tub or sponge baths to ensure bodily cleanliness when necessary.

E. Toilet articles such as comb, brush, toothbrush, towels, and washcloths used by children shall be individually provided by parent(s) or facility, plainly marked, and stored in a sanitary manner. Disposable articles are acceptable.

43. The Facility Shall Provide A Basic Program Of Well Balanced And Constructive Activities Geared To The Age Levels And Developmental Needs Of The Children Served.

Compliance Requirements:

A. The day shall be scheduled to provide:

1) Regularity of routines, with sufficient flexibility to respond to the needs of individual children. An outline of the daily schedule shall be posted;

2) A good balance of active and quiet play;

3) Sufficient time for activities and routines, so that the children can manage them and progress at their own developmental rate;

4) Program structure so that the children are not always required to move from one activity to another as a total group;

5) A program that avoids long waiting periods between activities and prolonged periods during which the children must stand or sit;

6) Activities which require minimal supervision when staff must see to other necessary tasks including preparation for mealtime;

7) Daily periods of outdoor activity; and

8) A supervised nap period for children under six years of age who remain five or more hours. This nap period for the group should not normally exceed two and one-half hours. Children's shoes shall be removed during nap or rest period. Children who remain for as long as four consecutive hours shall have a supervised rest period.

B. The program shall include:

1) Opportunities for a child to have free choice of activities to play alone, if desired; or with one or several chosen peers;

2) Opportunities to visit with children other than those in their own group or their own age or developmental level;

3) A variety of choice in activities on the child's developmental level;

4) Daily indoor and outdoor activities in which children make use of both large and small muscles;

5) Sufficient materials and equipment to avoid excessive competition and long waits; and

6) Provision for privacy through arranging a small, quiet area that is inviting to children and easily accessible to the child who seeks or needs time to be alone.

C. The program shall be modified, as needed, when there are adverse environmental conditions caused by weather, heating or cooling difficulties, or other such problems.

D. When one large area houses more than one group, an attempt shall be made to program so that the noise level and its resulting impact on the child and staff is reduced. This may be done through such things as:

1) Arrangements of room with specially protected quiet areas and defined traffic patterns;

2) Scheduling so as to reduce the number of children engaged in high noise level activities.

44. **The Daily Program Of The Facility Shall Provide Experiences Which Promote The Individual Child's Growth And Well-Being And The Development Of Skills, Social Competence, And Positive Self-Identity.**

Compliance Requirements:

A. Each child shall be recognized as an individual; his choice of activities, personal privacy, and background shall be respected.

B. The daily program shall include firsthand experiences through which children learn about:

1) **THE SELF:** through mastery of experience, the development of self-help skills, and interaction with other children and adults who appreciate them as children and help them deal with their world.

2) **SOCIAL RELATIONSHIPS:** through direct experience with other children in such a way that there are opportunities

to develop consideration for other individuals, to develop responsibility to the group, and to defend their rights and privileges.

3) **THE WORLD IN WHICH THEY LIVE**: through such experiences as:

a) Daily participation in a variety of activities such as art, music, literature, dramatic play, and science which lead to intellectual mastery and creative expression;

b) Daily experience with self-help tasks and routine chores such as taking out and putting away materials, caring for equipment and their own clothing; and

c) Occasional trips out into the community.

C. Meal times shall be planned to meet the socialization needs of children by:

1) Helping children participate in the setting of tables, the serving of food, and cleanup activities;

2) Helping children learn to eat food with standard table service without embarrassment in front of others;

3) Helping children learn to extend their enjoyment of different foods through participation in food preparation and encouraging tasting;

4) Helping children learn to find meal times pleasurable through encouraging conversation; and

5) Sitting with the children during meals.

45. **The Program Shall Take Into Account The Stress And Fatigue That Result From Constant Pressures And Stimulation Of Long Hours In A Group Living Situation.**

Compliance Requirements:

A. Staff assignments shall be such that children experience comfortable, ongoing relationships with adults; every attempt shall be made to establish a primary relationship between each child and one adult.

B. The activities shall consist of a well-balanced program, capturing some of the ease and freedom of movement of home life.

C. Children shall be cared for in such a way that respects individual differences in interests, attention span, physical and intellectual maturity, with appropriate expectations and stimulation.

D. The noise level and the amount of visual stimulation impinging on the child throughout the day shall be controlled.

E. Special consideration shall be given to planning early morning and afternoon activities to help children cope with possible unhappiness over separation from parents and the usual end-of-the-day fatigue.

46. The Activities Shall Be Conducted At All Times In A Setting Designed And Arranged For Safety And Supervision Of The Children.

Compliance Requirements:

A. Activity areas, equipment, and materials shall be arranged so that staff can be easily aware of the child's presence and activity at all times.

B. Protected areas shall be provided where equipment and materials can be used with minimal interference or interruption.

47. Equipment Shall Be Arranged In Orderly, Clearly Defined Areas Of Interest, With Sufficient Space In Each Area For The Children To See Various Activities Available To Them.

Compliance Requirements:

A. Available areas shall include creative arts, books, table games, block building, science, music, housekeeping, and dramatic play.

B. The arrangement of areas shall take into consideration the traffic pattern in the room so that the quiet areas are out of the flow of traffic.

C. Quiet activities shall be separated from noisier activities.

Outdoor Toys and Materials

48. Outdoor Equipment Shall Be Available And Provide Safe Opportunities For Both Large And Small Motor Skill And Shall Meet The Age Level And Needs Of The Children.

Compliance Requirements:

A. Basic outdoor equipment shall include items such as, but not limited to, climbing apparatus, wheel toys, water play materials, and balls.

B. Outdoor equipment shall be placed so as to avoid collisions and accidents while still permitting freedom of action by the children.

C. Supports for climbing apparatus and large equipment shall be securely fastened to the ground.

D. There shall be a soft, resilient surface or a pad under all climbing equipment from which children may fall.

E. Sandboxes shall be covered when not in use and shall be cleaned daily of animal fecal matter if present.

F. Outdoor storage shall be available for equipment not permanently secured to the ground unless indoor storage space is available.

Indoor Toys and Materials

49. **Indoor Equipment Shall Be Available So As To Provide For Active And Quiet Play Appropriate To The Age Level And Developmental Needs Of The Children.**

Compliance Requirements:

A. Building materials such as, but not limited to, blocks and boards for construction activities shall be available.

B. Transportation and wheel toys shall be available.

C. Dramatic play materials such as, but not limited to, housekeeping items, toys, dress-up clothes and role-play materials and equipment shall be available.

D. Manipulative play materials such as, but not limited to, puzzles, pegboards, lotto, and/or nesting blocks shall be available.

E. Creative materials such as, but not limited to, easels, paints, finger paint, clay, and/or crayons shall be available.

F. Literature and other language developmental materials such as, but not limited to, books, flannel board stories, and/or poetry shall be available.

G. Music equipment such as, but not limited to, records and rhythm instruments shall be available.

H. The number and variety of toys shall be such that there is not constant quarreling over or waiting for the use of toys; each child shall have time to use the toys without fear of losing them to another child.

50. **Small Healthy Animals May Be Permitted On The Premises Unless Prohibited By Health Regulations. A Qualified Veterinarian Shall Certify That The Animals Have Been Inoculated, When Required, Or Are Otherwise Free Of Diseases That Could Endanger The Children's Health.**

Compliance Requirements:

A. All animals shall be physically separated from children both indoors and outdoors except as a portion of a specifically planned program activity under the direct supervision of a staff member.

B. There shall be careful supervision of children who are permitted to handle and care for the animals.

C. Immediate treatment for any child who sustains a bite or scratch from an animal shall be available.

Grouping & Staffing

51. **The Facility Shall Provide Staff To Insure The Care And Safety Of The**

Children At All Times.

Compliance Requirements:

A. The ratio of child development staff to children present at any one time shall be as follows:

Age	Staff	Children
2 years	1	8
3 years	1	10
4 years	1	10
5 years & Kindergarten	1	20
School Age	1	20

Mixed Ages	Staff	Children
2-3 years	1	8
2-5 years	1	8
3-4 years	1	10
3-5 years	1	10
4-5 years	1	10

B. The total number of children in any one group shall not exceed the following maximum number at any one time:

two to three year-olds	16
two to four year-olds	16
two to five year-olds	16
three to four year-olds	20
three to five year-olds	20
four to five year-olds	24

C. Facilities licensed for 10 or fewer three to five year old children operating with only one regular staff person shall provide:

1) A daily assistant to help at those times when attention must be given to activities other than direct care of children;

2) At least two persons who can respond to a call and be on the premises within five minutes, so that the adult in charge will not have to leave the children unattended;

3) A substitute who shall be familiar with the children and program.

52. **The Facility Shall Have Developed A Staffing Plan Which Organizes The Staff And Enables Them To Give Continuity Of Care And Supervision To The Children On A Day-By-Day Basis.**

Compliance Requirements:

A. A group of children shall be the responsibility of the same staff member during the program hours.

B. Staff shall be aware of the presence and activities of the children under their care.

C. A staff coverage and children's activities plan shall be explained to staff and substitutes.

D. Substitutes shall visit the facility to become generally familiar with the program in advance of the time they may be called.

E. Responsible adults in the ratio as defined shall be on duty in the room or in close proximity to children's sleeping areas and shall be immediately available to children in need of attention during nap periods.

Nutrition

53. **All Facilities Shall Provide Meals And Snacks Of A Quality And Quantity To Supplement Food Served At Home So That The Daily Nutritional Needs Of The Child Are Met. Food Shall Be Served In Accordance With The Time The Child Spends At The Facility; Cultural, Ethnic, And Regional Food Preferences Shall Be Considered In Planning Meals.**

Compliance Requirements:

A. **Daily food requirements:** a child of one to six years requires 1300 – 1800 calories daily. Food requirements for children between birth and the age of eating table food shall be geared to the needs of the individual child and determined by consultation of parents with a physician. The facility shall provide 1/3 to 2/3 of the daily calories, depending on the length of time of the child's stay. This shall be divided as follows:

Milk: six ounces of Grade A pasteurized fortified milk.

Protein: (main dish – two ounces of edible portion of meat, fish, or chicken) Other protein sources such as eggs, cheese, or dried peas or beans may be used twice a week. Peanut butter *may not* be used as the only source of protein. A casserole or mixed dish may be served, but it must contain two ounces of protein food per child or additional protein sources are to be added to the meal to meet above requirements.

Vegetables: two servings per child (2-4 tbsps.) These may be cooked or raw. Vegetables rich in Vitamin A shall be served three times a week. Potatoes should be used at least twice a week. Enriched rice, macaroni, or noodles may be substituted for potatoes occasionally.

Bread: a serving of one or more slices of enriched or whole grain bread. An equivalent serving of cornbread, biscuits, rolls, or muffins made of enriched or whole grain meal or flour may be substituted.

Butter and/or fortified margarine: 1/2 tsp. of butter or fortified margarine daily. This may be used as spread for bread or in food preparation.

Fruit: a serving (1/4 to 1/2 cup), cooked or raw fruit or fruit juice (or citrus-fortified juice containing 30 mg. of Vitamin C per serving).

B. Daily food requirements shall be determined according to the length of stay in the facility.

1) Children in attendance for more than two but less than five hours per day shall be served a mid-session snack consisting of 1/2 cup of a citrus fruit juice or a fortified juice containing 30 mg. of Vitamin C per serving, or one serving of fruit with equivalent Vitamin C content, or six oz. of Grade A pasteurized fortified milk. Enriched soda or graham crackers, vegetable sticks, toast sticks, cheese cubes, etc., with the juice or milk are optional. If their hours coincide with lunch or breakfast, children must also be served these two meals.

2) Children in attendance five to ten hours shall be served a quantity of food that will supply 1/3 to 1/2 of their recommended dietary allowances as described above. This shall include a nutritious hot meal, a mid-morning snack, and a mid-afternoon snack. This shall consist of milk, juice, or fruit and enriched cereal product. Additional protein is optional.

C. Menu Requirements:

1) Menus shall be planned, dated, and posted for one week in advance, and corrected as served. Corrected menus shall be on file and subject to review. Current menus shall be posted.

2) Menus shall be planned with consideration for cultural and ethnic patterns, but must also be nutritionally equivalent to the above requirements.

3) Catered foods shall meet the above requirements.

4) Sandwich lunches shall not be brought from home as a substitute for a hot meal provided by the facility. Picnic lunches may be served occasionally.

5) Diet patterns (special diets) other than those described may be provided if written approval is obtained by a physician.

6) Medically prescribed diets for children enrolled in the facility shall be provided as ordered by a physician. Such diets shall be on file at the facility and adhered to in preparation and service. Records of food intake shall be maintained when indicated.

D. Food service requirements:

1) Children shall be served small servings of bite-size pieces with second helpings always available. Variations in size of servings

allow for adaptation to the age and needs of each child, small and big appetites, etc.

2) All meals shall be suitable for children and shall be prepared by methods designed to conserve nutritive value, flavor, and appearance.

3) Introduce only one new food at a time. Serve in very small amounts with familiar food.

4) Adults shall sit at the tables with the children during at least part of the meal.

5) Avoid delays in food service so that children do not have to sit and wait.

6) Meals shall be relaxed and unhurried.

7) Children shall not be forced to eat.

8) Tables, chairs, dishes, glasses, and eating utensils shall be of design and size suitable for use by younger children.

54. Drinking Water Shall Be Freely Available To Children Of All Ages.

Compliance Requirements:

A. The facility shall have drinking water available to all children and the staff. Water shall be offered at intervals to infants and toddlers.

B. Approved drinking fountains and/or disposable cups for individual use shall be provided.

School Age

55. The Facility Shall Provide A Designated Area So That The Older Children's Presence Shall Not Interfere With The Needs And Care Of Younger Children.

56. The Facility Shall Provide A Program And Activities That Recognize The Developmental And Educational Needs Of School-Age Children Who Need Group Care Before And After School.

Compliance Requirements:

A. Nutrition:

1) Food shall be offered if the children have not had breakfast at home or are not regularly receiving breakfast at school.

2) A snack shall be served when children arrive at the facility after school.

3) Children who come to the facility from school for a lunch program shall be served a nutritionally balanced meal conforming to Type A School Lunch Regulations.

4) School-age children shall be served alone or with the younger children if they can be handled without disruption to the on-going program.

B. Program activities:

1) Before school, quiet activities such as, but not limited to, puzzles, small games, reading books, simple art or special projects, and opportunities to do homework shall be accessible on a free choice basis to children waiting in the facility to leave for school during the morning hours.

2) After school:

a) Outdoor and indoor activities shall be provided.

b) Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.

c) Large motor activities, indoors and outdoors, shall be provided.

d) Opportunity for the development of skills in areas such as sports, music, art, etc., shall be available.

e) Special projects outside the confines of the facility shall be provided, such as trips to the library, etc., when appropriate.

f) The program shall be flexible to allow the children to participate in after-school activities sponsored by the school.

57. School-Age Children Who Are At A Facility For An Entire Day Because Of School Holidays Or During Summers When They Are Not In School Shall Have An All-Day Program Planned Especially To Meet Their Needs.

58. Clear Definitions Of Legal Responsibility And Procedures Shall Be Established Between Parent, Facility And School When Children Move To And From School.

Compliance Requirements:

A. The parent shall be legally responsible for the child enroute unless transportation is provided by the facility or by the school.

B. Procedures shall be established and agreed to in writing by the parents, the school and the facility including, but not restricted to:

1) Children leaving the facility to go to school;

2) Children leaving the school to go to the facility;

3) Children leaving the facility; and/or

4) Children leaving school for regular school activities or visiting friends.

Night Care

59. A Center Receiving Children For Night Care Shall Comply With All General Standards For Child Care Facilities Except When Inconsistent With The Special Requirements Prescribed Herein.

60. The Capacity In A Night Care Center Is 20 Children.

61. Children Served In A Night Care Program Shall Not Remain On The Premises For More Than 12 Hours In Any 24-Hour Period On A Regular Basis.

62. The Facility Shall Provide Equipment And Space Appropriate For Children Who Are Enrolled In Night Care.

Compliance Requirements:

A. Outdoor play space and equipment shall be available when the times of children's attendance coincide with daylight hours.

B. Each child shall have an individual cot, bed, or crib equipped with comfortable bedding appropriate to the season and maintained in sanitary and safe condition.

C. Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleepwear furnished either by the center or the child's parent(s).

63. The Night Care Program Shall Facilitate A Relaxed Atmosphere Characterized By Informal Quiet Activities.

A. Scheduling shall reflect the need for regularity in meeting basic needs such as relaxation, meals, self-care, and sleep.

B. Evening activities shall be primarily self-selected by individuals. Selections shall be chosen from activities such as, but not limited to, outdoor play, reading, lounging, study, table games, group games, conversation, listening to music, watching television, dramatic play, and art.

C. Self-care routines shall include:

1) Brushing teeth at bedtime or upon rising;

2) Brushing the hair upon rising; and

3) A routine for toileting scheduled at bedtime and upon rising.

D. Sleeping arrangements shall be so arranged that the children who

stay all night are not disturbed by the departure of those who stay only a portion of the night.

64. The Nutritional Needs Of The Night Care Children Shall Be Fulfilled.

Compliance Requirements:

A. An evening meal shall be served at a regular time each evening to all children then in attendance, and shall be available to other children who may arrive without having first eaten.

B. A bedtime snack shall be served to each child.

C. Breakfast shall be provided for all children who have been at the facility throughout the night and/or are present between 6:30 and 8:30 a.m.

Special Needs

65. The Standards And Regulations Stated In Other Divisions Of This Publication Shall Apply To Facilities Caring For Children With Special Needs Unless Indicated Otherwise In This Division By Substitutions And/Or Additions.

66. The Facility Shall Provide Activities To Meet The Assessed Needs Of Each Child Served Within The Definitions Of This Section.

Compliance Requirements:

A. Children identified as having special needs shall be provided with planned program activities designed to relate to those needs.

B. There must be written evidence on file that resource personnel with appropriate expertise have been consulted and their recommendations followed.

C. Recommendations made by the resource personnel and designed into a program plan by the resource team for the child with special needs shall be implemented. The Resource team shall consist of the director, direct child development staff, and registered, licensed, and/or certified resource personnel such as physicians, psychologists, social workers, speech therapists, physical and occupational therapists, educators, and other technical and professional personnel, as indicated by the child's special needs.

D. All program recommendations from resource persons related to a child's special needs shall be evaluated and reviewed at least semi-annually.

E. Parents shall be fully informed and in agreement with all procedures undertaken in relation to the child's needs.

67. When A Facility Agrees To Accept A Child With Special Needs Who Attends Another School There Shall Be Communication With That School As Well As The Parent.

Compliance Requirements:

A. Individual records shall be obtained by the facility.

B. Communication with the school personnel and parents regarding the child's special needs and progress shall be maintained.

68. Building And Equipment Shall Be Designed So That Every Child Can Make Maximum Use Of The Facility As Safely And As Independently As Possible.

Compliance Requirements:

A. The facility areas to be utilized by a child with special needs shall be adapted as necessary to accommodate special devices which he may require to function independently.

B. Minimum space requirement per child with special need(s) shall be 35 square feet. In determining space needs, however, more space per child may be required when considering the age or size of the child, activity recommendations, ambulation problems, special equipment, or other factors.

C. A special area shall be maintained for the purpose of providing privacy for diapering, dressing, and other personal care procedures.

69. In Addition To The Personnel Qualifications Stated Previously In The Standards, Staff To Serve Children With Special Needs Shall Have An Additional Background Of Training And Experience Such That May Provide An Appropriate Environment To Serve These Children.

Compliance Requirements:

A. Persons rendering special professional services to these children must be registered according to State registration and/or certification laws currently in effect, if applicable, or must be functioning under the direction of a person so qualified.

B. When a facility serves eight or more children with special needs, the identified staff person or persons directly responsible for planning and coordinating activities for these children shall have achieved training at the college and/or university level which includes:

a) A course that deals with normal child development;

b) A course that deals with problems and treatment of exceptional children.

C. The staff serving children who require special program services shall receive in-service training that relates to the specific needs of the children served.

70. **The Child/Staff Ratio Must Be Such That Each Child Has Available Individual Assistance And Guidance As Determined By The Severity Of His Needs.**

Compliance Requirements:

A. The ratio of staff involved in direct child care to the number of children served shall be 1:4.

B. Adult persons who are served in the program or student helpers under 18 years of age shall not be counted as staff.

71. **Medical Consultation And Direction Shall Be Available To Staff. Other Medical Services, Such As Direct Medical Care To The Child, Shall Be Administered As Required By A Physician, Subject To Receipt Of Appropriate Release And Indemnification Agreements From Parents. These Shall Be On File For Each Child For Administration Of Any And All Prescribed Medicine.**

72. **Individual Records Shall Be Made Available To Parents And Shall Include Information Needed To Assist The Staff In Planning Effectively To Meet Each Child's Needs, And Shall Be Kept Confidential. No Record Or Portion Thereof Shall Be Transferred Without Written Parental Permission.**

Compliance Requirements:

A. The individual record shall include:

1) All assessments;

2) Program recommendations;

3) Program provisions to meet recommendations;

4) Program evaluations; and

5) Program adjustments as indicated by the evaluations.

B. Facilities shall make known to the parents that records are available.

73. **The Requirements For Providing Program, Space, Equipment, And Plan Shall Be Based Upon Procedures As Described In This Section Even When Individuals Over The Age Of 18 Are Also Served In The Facility.**

Transportation

74. **A Center Providing Direct Transportation Services Shall See That Standards For Drivers And Upkeep Of The Vehicles Used In Transporting Children Are Maintained.**

Compliance Requirements:

A. There shall be conformance to state laws pertaining to regulations regarding drivers, vehicles, and insurance.

B. Evidence of compliance with vehicular laws shall be produced for examination by the Department representatives.

75. The Driver Of A Vehicle Transporting Children Shall Be At Least Twenty-One Years Of Age And Not Over Sixty-Five Years Of Age.

76. The Driver Shall Meet The Personal And Health Qualifications Of Other Staff.

77. The Driver Shall Hold An Appropriate License.

78. The Driver Shall Not Leave The Vehicle Unattended At Any Time While Transporting Children.

79. The Driver Shall See That Each Child Boards And Leaves The Vehicle From The Curb Side Of The Street And/Or Is Safely Conducted Across The Street.

80. The Driver Shall See That A Responsible Person Is Present To Take Charge Of A Child When Delivered To His Home Or To The Center.

81. The Driver Shall See That Good Order Is Maintained In The Vehicle For Safety Of The Children In Transit.

82. The Capacity Of The Vehicle Shall Conform To The Manufacturer's Specifications.

83. An Attendant Shall Be Assigned To Assist With Children While Being Transported When The Size Of The Group And/Or Handicapped Children Require This For Their Safety.

84. The Vehicle Shall Be Maintained In Excellent Condition At All Times.

Compliance Requirements:

A. The vehicles shall be thoroughly inspected, at least every six months, for mechanical flaws which, if found, shall be corrected immediately.

B. The vehicle shall be equipped with safety locking devices on doors.

C. The vehicle shall be equipped with a mounted spare tire, ready for service, and a jack.

PLANT & EQUIPMENT

Physical Plant

85. The Physical Facilities Provided Both Indoors And Outdoors Shall Protect The Health And Safety Of Children.

Compliance Requirements:

A. The building housing a center shall be approved prior to occupancy by the proper health and fire authorities.

B. The building or portion of the building to which children from the center have access shall be used only for a program of child care during the hours that the center is in operation. This shall not be construed to mean that the space used for the program cannot be shared by other groups or persons when the children enrolled are not present.

Indoor Space

86. There Shall Be Sufficient Indoor Space To Conduct The Program.

Compliance Requirements:

A. There shall be a minimum of 35 square feet of activity area per child in centers for normal children two years of age and over.

B. This space is exclusive of exit passages and fire escapes, which must be clear.

C. This space is exclusive of administrative space, storage areas, bathroom, kitchen, and other space required for equipment that is not used for direct activities with children.

D. During nap time, there shall be at least two feet of space on at least two sides between cots.

E. Storage space shall be provided for cots, bedding, and other equipment.

F. One room, no matter how large, shall accommodate only one group unless room dividers at least 3'6" in height are used to define and separate the space for each group.

G. All rooms or spaces accommodating more than one group shall be provided with an acoustical ceiling or its equivalent in carpeting or wall covering. If carpeting is used to control noise, it shall not be required in water play, painting, and similar areas.

87. The Condition Of The Indoor Space Shall Provide A Comfortable Environment For The Children.

Compliance Requirements:

A. Adjustable window shades, drapes, or venetian blinds shall be provided.

B. The floors and floor coverings shall be washable and free from drafts, splinters, and dampness.

C. Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens, or other means.

D. During the heating season and during periods of occupancy by children, the room temperature shall not be less than 68° and not more than 74° measured 3 feet above the floor.

E. Natural or mechanical ventilation shall be provided within the facility.

F. Areas where children read, paint, or participate in other activities requiring close eye work shall be provided with a minimum of 30 foot candles measured 2 feet above the floor. Artificial light sources shall be protected from hazards of breakage by installation of covers or shields. Other areas may be provided with foot candles of varying intensity, depending on the usage; the average foot candles for the entire classroom area shall be at least 20 foot candles measured 2 feet above the floor.

Outdoor Space

88. **Outside Play Area Shall Be Provided.**

Compliance Requirements:

A. The total play area shall accommodate at least 25% of the licensed capacity at one time.

B. There shall be a minimum of 75 square feet of safe outdoor play area per child for the total number of children using the area at any one time.

C. Play space shall be safely enclosed or otherwise protected from traffic and other hazards.

D. Protective surface, such as, but not limited to, grass, P-gravel, and mulching shall be provided in areas where climbing apparatus is used. There shall be provided a surface that is suitable for children's wheeled vehicles and pull toys.

E. Play areas shall be well drained and maintained in a safe, clean, and sanitary manner.

F. There shall be open and sheltered areas to permit children to enjoy

activities in either sun or shade and to protect them from excessive exposure.

G. If an area not connected with the facility, such as a public park or playground, is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.

Toilet and Lavatory Facilities

89. Toilets And Lavatories Shall Be Readily Accessible To The Children.

Compliance Requirements:

A. If toilets and lavatories are not child sized, safely usable steps shall be provided.

B. Hot and cold running water shall be provided.

C. Mild soap and individual towels shall be available and used. Towels may be disposable.

D. Hot water supplied to lavatories, bathing facilities, and other plumbing fixtures used by children shall be tempered or thermostatically controlled to less than 120 degrees F.

E. The following ratios of lavatories and toilet facilities shall be provided.

Number of Children in day care facility	Toilets	Lavatories
1 to 10	1	1
11 to 25	2	2
26 to 50	3	3
51 to 75	4	4
76 to 100	5	5
101 to 125	6	6
126 to 150	7	7
151 to 175	8	8

F. Toilets shall be within close proximity to the children's activity areas. If this is not possible in existing facilities, an adult shall accompany children four years of age and younger.

90. Toilets And Lavatories Shall Be Readily Accessible To The Staff.

Compliance Requirements:

A. Toilets with privacy measures and lavatories shall be provided in a ratio of 1:15.

B. Kitchen sinks used in food preparation shall neither be used as handwashing lavatories nor included in the total number of handwashing lavatories required.

C. Mild soap and individual towels shall be supplied.

Isolation Area

91. Space Shall Be Provided For A Child Who Becomes Ill At The Center.

Compliance Requirements:

A. Such space shall be adequately ventilated and heated and equipped with a cot and materials that can be easily sanitized.

B. The child shall not be left unattended.

Water Supply

92. A Safe And Sanitary Water Supply Shall Be Maintained.

Compliance Requirements:

A. Water shall be provided to the facility from an approved public water supply, when available.

B. When a private water supply is used, a monthly sample shall be submitted to the Illinois Department of Public Health, Division of Public Health. Lab reports of water analysis shall give approval for drinking. If children under one year of age are served in the facility, the nitrate content shall be acceptable for their consumption.

Food Service

93. Kitchen Areas Shall Meet The Following Requirements:

Compliance Requirements:

A. The kitchen shall be clean and equipped for preservation, storage, preparation, and serving of food;

B. Provision shall be made for the cleansing and sanitation of dishes.

Solid Waste Management

94. All Garbage And Refuse Within The Center Shall Be Collected Daily And Stored In A Manner That Will Not Permit The Transmission Of Disease, Create A Nuisance Or A Fire Hazard, Or Provide Harborage For Insects, Rodents, Or Other Pests.

Compliance Requirement:

An adequate number of covered, durable, water-tight, insect/rodent-proof garbage and refuse containers shall be provided for use.

Insect and Rodent Control

95. Insect And Rodent Control Shall Be Maintained.

Compliance Requirements:

A. All outside doors, operable windows, and other openings shall be screened during seasons requiring insect control. Doors with operable self-closing devices do not have to be screened.

B. Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present in the facility.

Housekeeping

96. The Facility Shall Be Cleaned Daily And Kept In A Sanitary Condition At All Times.

Compliance Requirements:

A. The facility shall provide necessary cleaning and maintenance equipment.

B. Toys, table tops, furniture, and other similar equipment used by children shall be washed when they become soiled or contaminated with matters such as food, body secretions, and/or excrement.

C. Cleaning equipment, cleaning agents, aerosol cans, and other hazardous chemical substances shall be stored in a space designated solely for this purpose and shall be inaccesible to children.

D. Exit areas shall be kept clear of equipment and debris at all times.

97. Both Day Care Facilities And Night Care Facilities Shall Provide A Separate Crib, Bed, Or Cot And Individual Sheets And Other Bedding.

Compliance Requirements:

A. Cots, cribs, or beds used by children in a day care facility may be used for other children at night if separate sets of clean sheets and other bedding are provided each user, and if cots, cribs, or beds have been well aired and freshened.

B. Clean sheets or blankets shall be provided at least once a week or as frequently as needed when wet or soiled.

C. Waterproof mattress covers or undersheets for cribs, beds, or canvas cots shall be provided for all children who are bedwetters.

D. Each cot, bed, or crib shall be identified with the name of the child.

E. Sheets on beds shall be tightly fitting.

98. Facilities And Equipment Shall Be Kept In Safe Repair So As Not To Expose Children To Hazardous Situations.

Compliance Requirements:

A. Any interior or exterior painted surface including walls, floors, ceilings, equipment, toys, furnishings, and cribs shall be maintained in good order free of lead paint.

B. Electrical outlets within the reach of children shall be covered or be otherwise shockproof.

Equipment

99. Equipment Shall Be Durable, Safe And Scaled To The Size Of The Children.

Compliance Requirements:

A. Child size chairs shall be used.

B. Tables shall be of appropriate height and of a size to accommodate comfortably a small group of not more than 8-10 children.

C. Individual lockers, cubicles, or separate hooks and shelves shall be provided for the children's personal belongings.

D. A telephone shall be on the premises, easily accessible for use in an emergency and other communications.

E. Facilities operating on two or more floors shall have some means of formal communications between floors.

F. Low, open shelves for play materials and books shall be provided and within easy reach of the children.

G. Storage for surplus toys and supplies not currently in use shall be provided.

H. A cot must be provided for each child in an all-day program.

I. A first aid kit and a chart or handbook of first aid instructions shall be available for staff use.

RECORDS & REPORTS

Records: Children

100. A Facility Shall Maintain A Record File On The Children Enrolled.

Compliance Requirements:

A. A written application for admission of each child shall be on file with the signatures of the parent or guardian.

B. An alphabetic card or register on each child shall be maintained and shall include:

1) Name, date, place of birth, sex;

2) Date of admission and discharge;

3) Scheduled hours of care;

4) Name(s) of parent(s) or guardian(s), home and business address and telephone number, marital status, and the working hours of the parent(s) or guardian(s);

5) Child's physician, address and telephone numbers (or, if applicable, certified Christian Science Practitioner);

6) Name(s), addresses and telephone numbers of persons authorized to pick up the child; and

7) Name(s), addresses, and telephone numbers of others to contact within the immediate area if parents or guardian cannot be contacted in case of emergency.

C. Illnesses of the child which prevent admission or require removal of the child from the group shall be in the file. Date of re-admission shall be recorded.

D. Accidents which have occurred to the child at the facility or away from the facility, when known, shall be recorded in the file. When a child is not permitted to attend the facility because of an accident, the date of re-admission to the facility shall be recorded.

E. The medical report shall be on file at the facility dated not longer than 6 months prior to enrollment and signed by the examining physician or certified by a recognized health facility.

1) The medical report shall be valid for two years.

2) The report shall indicate that the child was found free of communicable diseases.

3) The report shall indicate that the child has been immunized as required by current State regulations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, pertussis, and tetanus.

4) If immunization waiver on constitutional ground is requested, a written, signed statement by parent(s) or guardian(s) shall be in the child's file.

a) A center admitting such a child shall do so upon its sole responsibility.

b) Exceptions are made for children who for clinical reasons should not be subjected to immunizations.

F. Written agreements and consents shall be in the child's record file.

G. Necessary medications may be administered to a child at the facility, provided that:

1) The facility shall maintain a record of the dates, hours, and the name of the person administering them;

2) The medication shall be a personal prescription from a physician, and the label must bear the child's name, directions for administering the medication, and the date and physician's name and the prescription number and drug store of pharmacy if applicable;

3) Medication shall be administered as required by a physician, subject to the receipt of appropriate releases and idemnification agreements from parents and these shall be on file for each child for the administration of any and all prescribed medicine; and

4) Medications are to be kept in locked cabinets or containers which are in an area well-lighted and out of the reach of children even if medications must be refrigerated.

101. A Facility Shall Keep Continuous And Accurate Daily Attendance Records On Each Child Enrolled.

Compliance Requirements:

A. Attendance records for each group within the facility shall be kept by the person responsible for that group.

B. If children attend on a part-time or irregular basis, this shall be recorded in the attendance record.

C. A total attendance record of all children shall be maintained.

Records: Personnel

102. Personnel Records Shall Be Maintained On Each Individual Employee And Volunteer.

Compliance Requirements:

A. The records shall include name, address, telephone number, training,

education, previous employment dates, and other related experiences and qualifications.

B. Verified character references shall be in each file.

C. Verification of educational achievement shall be on file.

D. Reports of medical examinations and tests shall be in the file. Medical reports shall be valid for two years.

E. Date and reason for termination shall be recorded and placed in the file.

103. Records Of Student Participants Shall Be Maintained.

Compliance Requirements:

A. The record shall include name, address, telephone number, & date of last medical exam from the school.

B. Name of the school, name of the faculty member responsible for each student, faculty members' telephone numbers, the course in which the student is enrolled, and who at the facility is responsible for the student are all items to be included in the record.

Records: Business

104. The Facility Shall Maintain Financial And Other Business Records Essential To The Operation Of The Facility.

Records: General

105. The Facility Personnel Shall Respect The Confidential Nature Of The Child And Personnel Records.

Reports: Children

106. The Facility Shall Maintain And Submit When Requested By The Department Accurate Information And Statistics On Children Enrolled In The Facility.

Compliance Requirements:

A. The Department shall be notified in writing within one week if any of the following, involving children, happen at the facility:

1) Accident or injury requiring emergency medical care;

2) Major fires; or

3) Incidents which result in legal action by or against the facility.

B. Reports of child abuse, neglect, or injury shall be made in accordance with the procedures outlined in the Abused & Neglected Child Reporting Act.

C. Special reports shall be made as requested by the Department.

Reports: Personnel

107. The Facility Shall Maintain And Submit Reports On Staff And Volunteers.

Compliance Requirements:

A. The reports shall be made to the Department on forms provided by the Department.

B. An individual report on each new employee (including owner, operator, or directors) shall be filed with the Department; a copy of this report shall be kept at the facility.

C. All staff changes shall be reported to the Department immediately.

D. Medical information, character and other references of employees shall be provided upon special request by the Department.

Reports: General

108. All Required Reports And Records And Any Other Data Necessary To Determine Eligibility For Licensure Shall Be Available For Examination By Authorized Department Representatives.

CHILD CARE ACT OF 1969

AN ACT in relation to the regulation of facilities for child care and to repeal an Act therein named.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. This Act shall be known and may be cited as the Child Care Act of 1969.

Section 2. Terms used in this Act, unless the context otherwise requires, have the meanings ascribed to them in Sections 2.01 through 2.19.

Section 2.01. "Child" means any person under 18 years of age.

Section 2.02. "Department" means the Illinois Department of Children and Family Services.

Section 2.03. "Guardian" means the guardian of the person of a minor.

Section 2.04. "Related" means any of the following relationships by blood, marriage, or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, or cousin of the first degree.

Section 2.05. "Facility for child care" or "child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which received or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in this Act, established and maintained for the care of children.

Section 2.06. "Child care institution" means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

(a) Any State-operated institution for child care established by legislative action;

(b) Any juvenile detention home established and operated by any county or child protection district established under the "Child Protection Act";

(c) Any institution, home, place or facility operating under a license pursuant to the "Nursing homes, sheltered care homes, and homes for the aged Act";

(d) Any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or taught in public elementary schools, high schools, or both elementary and high schools, and which operates on a regular academic school year basis; or

(e) Any facility licensed as a "group home" or "night care center" as defined in this Act.

Section 2.07. "Maternity center" means a facility in which any person, agency, or corporation other than one licensed as a foster family home or group home under this Act, receives, treats or cares for one or more unwed pregnant girls under 18 years of age, except that the term does not include any facility licensed under the "Hospital Licensing Act".

Section 2.08. "Child welfare agency" means a public or private child care facility, receiving any child or children for the purpose of placing or arranging for the placement of the child or children in foster family homes or other facilities for child care, apart from the custody of the child's or children's parents. The term "child welfare agency" includes all agencies established and maintained by a municipality or other political subdivision of the State of Illinois to protect, guard, train or care for children outside their own homes, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court, who receives and places children under an order of the court.

Section 2.09. "Day care center" means any child care facility receiving more than 8 children for daytime care during all or part of a day. The term "day care center" includes facilities commonly called "child care centers", "day nurseries", "nursery schools", "kindergartens", "play groups" and "centers or workshops for mentally or physically handicapped" with or without stated educational purposes. The term does not include (a) kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning; (b) facilities operated in connection with a shopping center or service, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or are in the immediate vicinity and readily available; (c) any type of day care center that is conducted on federal government premises; or (d) special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

Section 2.10. "Child care centers" means day care centers which receive pre-school or school-age children, or both, for short term or extended hours of care, or out of school hours, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the children served.

Section 2.11. "Day nurseries" means day care centers which receive pre-school age children for short-term or extended hours of care, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the individual children served.

Section 2.12. "Nursery schools" means day care centers which receive children between the ages of 2 and 6 years and which are established and professionally operated primarily for educational purposes to meet the developmental needs of the children served.

Section 2.13. "Kindergartens" means day care centers which receive children between the ages of 4 and 6 years, and which are established and professionally operated primarily to conduct educational programs for early childhood development.

Section 2.14. "Play groups" means day care centers which receive pre-school or school-age children, or both, for relatively short periods of time, not to exceed 3 hours per day for any child or group of children, and which provide services and programs designed to meet the recreational, physical, emotional and developmental needs of the individual children served.

Section 2.15. "Centers or workshops for mentally or physically handicapped" means day care centers receiving mentally retarded or physically handicapped children, for short periods or extended hours, and which provide services and programs to meet the children's needs for care, protection and training.

Section 2.16. "Group home" means a child care facility which provides care for no more than 10 children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency.

Section 2.17. "Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated to them, unless all the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis. The family's own children, under 18 years of age, shall be included in determining the maximum number of children served. The term "foster family home" includes homes receiving children from any State-operated institution for child care; or from any agency established by a municipality or other political subdivision of the

State of Illinois authorized to provide care for children outside their own homes. The types of foster family homes are defined as follows:

(a) "Boarding home" means a foster family home which receives payment for regular full-time care of a child or children.

(b) "Free home" means a foster family home other than an adoptive home which does not receive payments for the care of a child or children.

(c) "Adoptive home" means a foster family home which receives a child or children for the purpose of adopting the child or children.

(d) "Work-wage home" means a foster family home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law or by standards or regulations of the Department prescribed under this Act. The child or children may receive a wage in connection with the services rendered the foster family.

(e) "Agency-supervised home" means a foster family home under the direct and regular supervision of a licensed child welfare agency, of the Department of Children and Family Services, of a circuit court, or of any other State agency which has authority to place children in child care facilities, and which receives no more than 8 children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

(f) "Independent home" means a foster family home, other than an adoptive home, which receives no more than 4 children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Department.

Section 2.18. "Day care homes" means family homes which receive not more than 8 children for care during the day. The maximum of 8 children includes the family's natural or adopted children under age 16 and those children who are in the home under full-time care, as defined in Section 2.17 of this Act.

Section 2.19. "Night care facilities" means centers or family homes in which children are received for periodic care during the night when a single parent, or both parents, are absent from home because of employment, emergency or other reasonable circumstance, and the children are in need of supervision during sleeping hours. A facility may be licensed for either day care or night-time care, or both, if circumstances permit, and whether the same children are served according to the work shifts of their parents or other circumstances. "Night care facilities" are further defined as follows:

(a) "Night-time center" means a facility which is established to receive 9 or more children, but not to exceed 20 children, for night-time care.

(b) "Night-time home" means a family home which receives no more than 8 children, including the family's own children under age 18, for night-time care.

Section 3. No person, group of persons or corporation may operate or conduct any facility for child care, as defined in this Act, without a license or permit issued by the Department. No license or permit is required to operate a foster family home or group care home in which all children are placed under the regular and sole supervision of a single circuit court.

All child care licensing activities of the Department shall be the responsibility of a Chief of Licensing Services, who shall establish policies and coordinate activities relating to child care licensing statewide except that the Director of the Department may assign responsibility for the licensing of day care homes and day care centers to a separate division or office within the Department.

Section 4. Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 of this Act. Application for a license to operate a child care facility must be made to the Department in the manner and on forms prescribed by it. If, upon examination of the facility and investigation of persons responsible for care of children, the Department is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, it shall issue a license in proper form, designating on that license the type of child care facility and, except for a child welfare agency, the number of children to be served at any one time.

Section 5. (a) In respect to child care institutions, maternity centers, child welfare agencies, day care centers, group homes and night-time centers, the Department, upon receiving application filed in proper order, shall examine the facilities and persons responsible for care of children therein.

(b) In respect to foster family and night-time homes, applications may be filed on behalf of such homes by a licensed child welfare agency, by a State agency authorized to place children in foster care or by out-of-state agencies approved by the Department to place children in this State. In applying for license in behalf of a home in which children are placed by and remain under supervision of the applicant agency, such agency shall certify that the home and persons responsible for care of unrelated children therein were found to be in reasonable compliance with standards prescribed by the Department for the type of care indicated.

(c) The Department shall not allow any person to examine facilities under a provision of this Act who has not passed an examination demonstrating that

such person is familiar with this Act and with the appropriate standards and regulations of the Department.

(d) Licenses shall be issued in such form and manner as prescribed by the Department and are valid for 2 years from the date issued, unless revoked by the Department or voluntarily surrendered by the licensee.

(e) The Department may issue one 6-month permit to a newly established facility for child care to allow that facility reasonable time to become eligible for a full license, except that a foster family home, day care home, or night-time home may be issued one 2-month permit.

(f) During the hours of operation of any licensed child care facility, authorized representatives of the Department may without notice visit the facility for the purpose of determining its continuing compliance with this Act or regulations adopted pursuant thereto.

Section 6. (a) A licensed facility operating as a "child care institution", "maternity center", "child welfare agency", "day care center" or "night-time center" must apply for renewal of its license held, the application to be made to the Department on forms prescribed by it.

(b) The Department, a duly licensed child welfare agency or a suitable agency or person designated by the Department as its agent to do so, must re-examine every child care facility for renewal of license, including in that process the examination of the premises and records of the facility as the Department considers necessary to determine that minimum standards for licensing continue to be met. In the case of foster family homes, day care homes or night-time homes under the supervision of or otherwise required to be licensed by the Department, or under supervision of a licensed child welfare agency, the examination shall be made by the Department or agency supervising such homes. If the Department is satisfied that the facility continues to maintain minimum standards which it prescribes and publishes, it shall renew the license to operate the facility.

Section 7. (a) The Department must prescribe and publish minimum standards for licensing that apply to the various types of facilities for child care defined in this Act and that are equally applicable to like institutions under the control of the Department and to foster family homes used by and under the direct supervision of the Department. The Department shall seek the advice and assistance of persons representative of the various types of child care facilities in establishing such standards. The standards prescribed and published under this act take effect as provided in "An Act concerning administrative rules," approved June 14, 1951, as amended, and are restricted to regulations pertaining to:

(1) The operation and conduct of the facility and responsibility it assumes for child care;

(2) The character, suitability and qualifications of the applicant and other persons directly responsible for the care and welfare of children served;

(3) The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards;

(4) The number of individuals or staff required to insure adequate supervision and care of the children received;

(5) The appropriateness, safety, cleanliness and general adequacy of the premises, including maintenance of adequate fire prevention and health standards conforming to State laws and municipal codes to provide for the physical comfort, care and well-being of children received;

(6) Provisions for food, clothing, educational opportunities, program, equipment and individual supplies to assure the healthy physical, mental and spiritual development of children served;

(7) Provisions to safeguard the legal rights of children served;

(8) Maintenance of records pertaining to the admission, progress, health and discharge of children;

(9) Filing of reports with the Department;

(10) Discipline of children;

(11) Protection and fostering of the particular religious faith of the children served.

(b) If, in a facility for general child care, there are children diagnosed as mentally ill, mentally retarded or physically handicapped, who are determined to be in need of special mental treatment or of nursing care, or both mental treatment and nursing care, the Department shall seek the advice and recommendation of the Department of Mental Health and Developmental Disabilities, of the Department of Public Health or of both Departments regarding the residential treatment and nursing care provided by the institution.

(c) The Department, in applying standards prescribed and published, as herein provided, shall offer consultation through employed staff or other qualified persons to assist applicants and licensees in meeting and maintaining minimum requirements for a license and to help them otherwise to achieve programs of excellence related to the care of children served.

(d) The Department shall prepare summaries of licensing standards. Each licensee or holder of a permit for a child care facility shall distribute a copy of the appropriate summary to the legal guardian of each child cared for in that facility at the time when the child is enrolled or initially placed in the facility.

Section 8. The Department may revoke or refuse to renew the license of any child care facility or refuse to issue full license to the holder of a permit should the licensee or holder of a permit;

(1) consistently fail to maintain standards prescribed and published by the Department;

(2) substantially violate any of the provisions of the license issued;

(3) furnish or make any misleading or any false statement or report to the Department;

(4) refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;

(5) fail or refuse to submit to an investigation by the Department;

(6) fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;

(7) fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;

(8) refuse to display its license or permit; or

(9) fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing and training of children.

Section 9. Prior to revocation or refusal to renew a license, the Department shall notify the licensee by registered mail with postage prepaid, at the address specified on the license, or at the address of the ranking or presiding officer of a board of directors, or any equivalent body conducting a child care facility, of the contemplated action and that the licensee may, within 10 days of such notification, dating from the postmark of the registered mail, request in writing a public hearing before the Department, and, at the same time, may request a written statement of charges from the Department.

(a) Upon written request by the licensee, the Department shall furnish such written statement of charges, and, at the same time, shall set the date and place for the hearing. The charges and notice of the hearing shall be delivered by registered mail with postage prepaid, and the hearing must be held within 30 days, dating from the date of the postmark of the registered mail, except that notification must be made at least 15 days in advance of the date set for the hearing.

(b) If no request for a hearing is made within 10 days after notification, or if the Department determines, upon holding a hearing that the license should be revoked or renewal denied, then the license shall be revoked or renewal denied. When the Department expressly finds that the continued operation of a child care facility violates any minimum standard prescribed by the Department, as authorized by this Act, or otherwise jeopardizes the health, safety, morals,or welfare of children served by the facility, the Department shall include in its order revoking or refusing to renew the license an order of closure directing that the operation of the facility terminate immediately. In this event, the facility may not operate during the pendency of any proceeding for the judicial review of the decision of the Department revoking or refusing to renew the license, except under court order.

(c) Upon the hearing of proceedings in which the license is revoked, renewal of licenses is refused or full license is denied, the Director of the Department, or any officer or employee duly authorized by him in writing, may administer oaths and the Department may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers.

(d) At the time and place designated, the Director of the Department or the officer or employee authorized by him in writing, shall hear the charges, and both the Department and the licensee shall be allowed to present in person or by counsel such statements, testimony and evidence as may be pertinent to the charges or to the defense thereto. The hearing officer may continue such hearing from time to time, but not to exceed a single period of 30 days, unless special extenuating circumstances make further continuance feasible.

Section 10. Any judge of the circuit court, upon application either of the person requesting a hearing or of the Department, may require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relating to the refusal or revocation of licenses. The refusal or neglect to obey the order of the court compelling the attendance or production, is punishable as in other cases of contempt.

Section 11. Whenever the Department is advised, or has reason to believe, that any person, group of persons or corporation is operating a child care facility without a license or permit, it may make an investigation to ascertain the facts. If it finds that the child care facility is being, or has operated without a license or

permit, it may report the results of its investigation to the Attorney General, and to the appropriate State's Attorney for prosecution.

Section 12. A child care facility licensed or operating under a permit issued by the Department may publish advertisements of the services for which it is specifically licensed or issued a permit under this Act. No person, unless licensed or holding a permit as a child care facility, may cause to be published any advertisement soliciting a child or children for care or placement or offering a child or children for care or placement.

Section 13. Whenever a child is placed in or with a child care institution or in or with a child welfare agency, the placement shall, whenever practicable, be to, with or in the custody of a child care facility as is under the control of persons of the same religious faith as that of the child. Whenever a child is placed in a group care home or in a foster family home, the placement must, if practicable, be made with a person or persons of the same religious faith as that of the child.

Section 14. Repealed.

Section 15. Every child care facility must keep and maintain such records as the Department may prescribe pertaining to the admission, progress, health and discharge of children under the care of the facility and shall report relative thereto to the Department whenever called for, upon forms prescribed by the Department. All records regarding children and all facts learned about children and their relatives must be kept confidential both by the child care facility and by the Department.

Section 16. (a) Any child care facility receiving a child for care or supervision from a foreign state or country shall report that child to the Department in the same manner as is required for reporting other children.

(b) A person, agency or organization, other than a licensed child care institution or child welfare agency, may not receive a foreign child without prior notice to and approval of the Department.

(c) In all instances the Department may require a guaranty that a child accepted for care or supervision from a foreign state or country will not become a public charge upon the State of Illinois.

(d) Reports to the Department must be made, as required.

(e) The Department may enter into agreements with public or voluntary social agencies headquartered in states adjacent to the State of Illinois, regarding the placement of children in licensed foster family homes within the boundaries of Illinois, if the agencies meet the standards and criteria required for license as a child welfare agency in Illinois. The agreements may allow foreign

agencies to place and supervise children for whom they have responsibility within the State of Illinois, without regard to paragraph (a) of this Section. These agreements must, however, include a requirement that the agencies cooperate fully with the Department in its inquiry or investigation into the activities and standards of those agencies, and provide that the Department may, at any time upon 15 days written notice to an agency by registered mail, void the agreement and require the observance of paragraph (a) of this Section.

Section 17. The "Administrative Review Act" and the rules adopted pursuant thereto, applies to and governs all proceedings for the judicial review of final administrative decisions of the Department. The term "administrative decision" is defined as in Section 1 of that Act.

Section 18. Any person, group of persons, associations or corporation who

(1) conducts, operates or acts as a child care facility without a license or permit to do so in violation of Section 3 of this Act;

(2) makes materially false statements in order to obtain a license or permit;

(3) fails to keep the records and make the reports provided under this Act;

(4) advertises any service not authorized by license or permit held;

(5) publishes any advertisement in violation of this Act;

(6) receives within this State any child in violation of Section 16 of this Act; or

(7) violates any other provision of this Act or any reasonable rule or regulation adopted and published by the Department for the enforcement of the provisions of this Act, is guilty of a Class A misdemeanor and in case of an association or corporation, imprisonment may be imposed upon its officers who knowingly participated in the violation.

In a prosecution under this Act, a defendant who relies upon the relationship of any child to himself has the burden of proof as to that relationship.

Amended by PA 77-2345, eff. Jan. 1, 1973.

Section 19. Any license issued under the "Child Care Act", approved July 10, 1957, as amended, remains valid until its expiration date or until revoked by the Department under this Act.

Section 20. Should any Section, subdivision, clause, phrase or provision of this Act be held unconstitutional or invalid for any reason whatsoever, that

holding shall not affect the validity of the remaining portions of this Act.

Section 21. "An Act in relation to the regulation of facilities for child care and to repeal an Act therein named", approved July 10, 1957, as amended, is repealed.

Section 22. This Act takes effect on January 1, 1970.